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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/868,988	
	Filing Date	November 11, 2001	
	First Named Inventor	Örjan Bernander	
	Group Art Unit	3641	
	Examiner Name	R. Palabrica	
Total Number of Pages in This Submission		Attorney Docket Number	19378.0012

ENCLOSURES (check all that apply)		
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GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric J. Franklin, Reg. No. 37,134 Swidler Berlin Shereff Friedman, LLP
Signature	
Date	October 3, 2002

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Election # 9  
E. Burns  
10/09/02

In re application of:

Bernander et al.

Application No.: 09,868,988

Filed: November 11, 2001

Title: CONTROL ROD

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Attorney Docket: 19378.0012

Art Unit: 3641

Examiner: R. Palabrica

Response To Election Requirement

Assistant Commissioner for Patents  
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**GROUP 3600**

Sir:

In response to the Election Requirement issued September 12, 2002, Applicants elect with traverse Species C, corresponding to the embodiment shown in Fig. 2c, claims 1-7, 11, and 12 being readable thereon. Applicants further elect with traverse Species G, wherein the absorber material consists of boron and hafnium, claims 1-12 being readable thereon. Claim 1 is generic for all species, including Species C and Species G.

Applicants make this election with traverse for a number of reasons. The invention is not restricted to an absorber made of a particular material. For example, claim 1 does not recite a particular absorber material and is actually applicable to different absorber materials. Claim 1 recites a particular distribution of absorber material and covers the embodiments shown in Figs. 2a-2d. In particular, claim 1 recites that no absorber material is arranged on an inner portion of an upper part of each absorber blade but that absorber material is arranged in an outer portion of the upper part of each absorber blade. This is shown in Figs. 2a-2d.

Contrary to the Examiner's assertions, U.S. patent 4,451,428 to Nishimura et al. does not appear to suggest the present invention as recited in claim 1. Along these lines, Nishimura et al. suggests different embodiments where neutron absorbing capacity of a control rod varies along

the length of the control rod. However, Nishimura et al. does not suggest that the control rod should lack absorber material in an inner portion. In fact, Fig. 6 of Nishimura et al. shows a control rod that includes absorber material in the inner portion of the upper part of the control blade. The absorber material is included in poison tubes 7. Thus, the invention does define over the teachings of the prior art set forth, for example, in Nishimura et al.


In view of the above, Applicants respectfully submit that the Election Requirement is and respectfully request its withdrawal.

If an interview would facilitate the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned hereby authorizes the Commissioner to charge insufficient fees or credit overpayment associated with this communication to Deposit Account No. 19-5127, 19378.0012.

Respectfully submitted,

Date: 10-3-02



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